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APPLICATION NO. 08/03/98	FILING DATE 08/03/98	WARD K	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. 5689-165
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EXAMINER FALIK, A

ART UNIT 3741	PAPER NUMBER
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DATE MAILED: 08/03/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/905,130

Applicant(s)

Ward

Examiner

Andy Falik

Group Art Unit

3741



☒ Responsive to communication(s) filed on May 11, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 7-9, 13-17, 20, 21, 23, 24, 26, and 27 is/are rejected.

☒ Claim(s) 5, 6, 10-12, 18, 19, 22, and 25 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3,5,6,7

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,14,15,17,23,24,26,27 are rejected under 35 U.S.C. 102(b) as being anticipated by 5,152,326 where in lines 50-65 in col.6 it is disclosed that the stitching threads 8' & 9 in Fig.5c are running in the transverse direction. The process steps (b)&(c) in the method claims 23&26 are taught by the disclosure in lines 16-21 in column 1 in the '326.

Claims 1-4,7,8,9,13-17,20,21,23,24,26,27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Figs.5-9 embodiment of 5,518,042 or any of the embodiments in Figs. 1-17 in 4,987,929.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over 5,152,326 in view of 4,987,929. The former discloses the invention substantially as claimed except for the smaller diameter of the binder yarns in relationship to the non binding yarns. This relationship is taught however for the locator/binder yarns 17 in '929 and accordingly it would have been obvious for the person of ordinary skill in the papermaking art at the time of the invention to make the binder yarns 1&2 in '326 smaller than the non binding yarns if it was desired to minimize any imprint of the binding yarns surface characteristics of the paper being formed. This would be an advantage if said surface characteristics between the binding and the weaving yarns were dissimilar.

Allowable Subject Matter

Claims 5,6,10-12,18,19,22,25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Of particular interest is 3,325,909 given an X category to a majority of the claims 1-27 in the 4/20/98 International Search Report. The instant independent claims 1,14,23, and 26 were not found to be anticipated by this reference given that the stitching yarns 2&3 in the Fig. 4 embodiment are disclosed as warp yarns whereas each of said independent claims recites that the stitching yarns are woven with the machine direction yarns.

wherein a pair of first and second stitching yarns is positioned between each adjacent pair of top cross machine direction yarns"

Any inquiry to the merits of this office action or to any specific features of this communication or earlier communications from the examiner should be directed to Andy Falik whose telephone number is (703) 308-1283. The examiner can normally be reached on Monday-Thursday from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Crowder can be reached on (703) 308-0949. The fax phone number for this Group is (703) 305-3588.

Any inquiry of a general nature such as a missing reference or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. Any inquiry relating to the drawings should be directed to the Drafting Branch whose telephone number is (703) 305-8404.



**ANDY FALIK
PRIMARY EXAMINER
GROUP 3741**

AMF
July 23, 1998